

U.S. Parent Application Serial No. 09/888,046
Reply to Office Action dated March 27, 2006

SEP 27 2006

REMARKS

Applicants have read and considered the Office Action dated March 27, 2006 and the references cited therein. Claims 1, 16, 27, 44 and 50 have now been amended. Claims 36-41 and 47 have been cancelled without prejudice or disclaimer. Claims 1-35, 42-46 and 48-51 are currently pending.

In the Action, claims 1, 16, 27, 36, 44 and 50 were rejected under 35 U.S.C. § 112 first paragraph, as failing to comply with the written description requirement. The Office Action indicates that the specification describes handling an image file but not as the "subsequent" handling of the image file. The Action also indicated a particular interpretation was given to the word "subsequent" in the claims. The word "subsequent" has been deleted from the claims and Applicants assert that the rejection has been overcome. Applicants respectfully request withdrawal of the rejection.

In addition, claims 16, 27 and 50 were rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement. The Action indicated that the term "subsequent" was not recited in the specification. As indicated above, Applicants have amended the claims so that the term "subsequent" has been deleted. Applicants assert that the rejection has been overcome. Applicants hereby request withdrawal of the rejection under 35 U.S.C. § 112 first paragraph.

The claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al., in view of Bergmans. Applicants believe that claims 1, 2, 8-13, 16-36, 38, 39 and 43-51 were rejected as these claims are discussed. Claim 1 has been amended and recites a computerized method of creating a data message for electronic transmission to a recipient comprising the steps of selecting at least one image file to be included in said data message, determining exchange rights for said recipient, said exchange rights establishing actions available to said recipient with respect to handling of said at least one image file after said at least one image file has been received by said recipient, said actions comprising at least one of archiving and forwarding of said at least one image file, and bundling said at least one image file and said exchange rights to form said data message. Applicants assert that Lui and/or Bergmans or the combination of Liu and Bergmans neither teaches nor suggests the recited invention of claim 1. Moreover,

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Applicants assert that claims 2, 5-15, 42 and 43 are also allowable over the prior art for at least the same reasons.

Claim 16 now recites a computerized method for controlling actions available to a recipient receiving a data message from the senders, said method comprising the steps of creating a data message that includes at least one image file and exchange rights for said recipient, said exchange rights establishing actions available to said recipient with respect to handling said at least one image file, said actions comprising at least one of archiving and forwarding of said at least one image file, transmitting said data message to a computer system of said recipient as an attachment to an email message, upon receipt of said email message deconstructing said data message at said recipient computer system to determine the exchange rights therein, and permitting the recipient to perform the actions established by the exchange rights on said at least one image file. Applicants assert that Liu and/or Bergmans or any combination thereof neither teaches nor suggests the method recited in claim 16. Moreover, Applicants assert that claims 17-26 depending from claim 16 also patentably distinguish over Liu and Bergmans. Applicants assert that the rejection under 35 U.S.C. § 103(a) has been overcome and asserts that claim 16-26 patentably distinguish over the combination.

Claim 27 now recites a computerized method for communicating a data message between a sender and a recipient comprising the steps of: from a computer system of said sender, transmitting a data message to a computer system of said recipient as an attachment to an email message, said data message including at least one image file and exchange rights for said recipient, said exchange rights establishing whether said recipient is permitted to browse said at least one image file, browse and archive said at least one image file, browse and forward said at least one image file, or browse, archive and forward said at least one image file, at the recipient computer system upon receipt of said data message, deconstructing said data message to determine the exchange rights therein, and permitting the recipient to perform the actions established by the exchange rights on said at least one image file. Applicants assert that this is neither shown nor suggested by Liu and/or Bergmans or any combination thereof. Moreover, claims 28-35 depending therefrom are also believed to be allowable for at least the same reasons.

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Claim 44 recites a computerized method of creating a data message for electronic transmission to at least one recipient comprising selecting at least one file to be included in said data message, determining handling rates for said recipient, said handling rates establishing the recipient's rights with respect to viewing, archiving and forwarding of said at least one file, and bundling the at least one file and the determined handling rights to form the data message. Applicants assert that Liu and/or Bergmans or any combination thereof neither teaches nor suggest the method recited in claim 44. Moreover, Applicants assert that claims 45-46 depending therefrom patentably distinguish over the prior art.

Claim 50 now recites a computerized method controlling a user's rights with respect to an accessed medical image file comprising assigning exchange rights to a user that define the user's rights with respect to viewing and at least one of archiving and forwarding of an accessed medical image file, and using the assigned exchange rights to determine the user's ability to view and at least one of archive and forward the accessed medical image file. Applicants assert that this is neither shown nor suggested by Liu, Bergmans or any combination thereof. Applicants assert that claim 50 and claim 51 depending therefrom patentably distinguish over the prior art. Applicants respectfully request that rejection under 35 U.S.C. § 103(a) be withdrawn.

Claims 3 and 4 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Liu in view of Bergmans and further in view of Campbell et al. Applicants assert that Campbell fails to remedy the shortcomings of Liu, Bergmans or any combination thereof. Applicants assert that claim 1 patentably distinguishes over the combination of Liu, Bergmans and Campbell. Applicants assert that claims 3 and 4 also patentably distinguish over the references for at least the same reasons as well as others. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu in view of Bergmans and further in view of Inoue et al. Applicants assert that Inoue fails to remedy the shortcomings of Liu and/or Bergmans. Applicants assert that claim 1 patentably distinguishes over the combination thereof and claims 14 and 15 are allowable for at least the same reasons as claim 1. Applicants respectfully request withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. § 103(a).

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Finally, claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu in view of Bergmans and further in view of Inoue. Claims 40-41 have now been cancelled and Applicants assert that the rejection is moot.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Respectfully submitted,

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